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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,496	02/15/2001	Rei Inasaka	X2008F	3307

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EXAMINER

ELDER, JEREMY RYAN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/784,496

**Applicant(s)**

INASAKA, REI

**Examiner**

Jeremy R. Elder

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quintana et al. (US #6,522,531) in view of Brassil (US #2002/0107940).

Regarding claim 1, Quintana et al. disclose an electronic news gathering system, wherein news comprises audio and video coverage (col. 2 lines 3-10, lines 24-32), the system comprising:

a wearable computer (Fig. 1, computer 300), containing all the essential elements of a computer (col. 7 line 65 – col. 8 line 51);

a body supported display device (200/710) communicating with said computer and providing an interface for a user to said computer (col. 4 line 39 – col. 5 line 61);

a body supported video camera (100) communicating with said computer and said display for capturing video coverage (col. 3 line 45 – col. 4 line 37), said video camera capable of essentially hands-free operation once activated (see Figs. 1-2), said video camera further providing video feedback to at least one display window on said display device (col. 5 lines 43-61);

a microphone (730) synchronized with said video camera for capturing audio simultaneous to video captured by said video camera (col. 5 line 62 – col. 6 line 2);

a communications means (LAN card) communicating with said computer for transmitting audio and video coverage captured by said microphone and said camera (col. 8 line 51 – col. 9 line 2);

a server computer (remote station) capable of receiving signals representative of captured audio and video and converting said signals into a format which can be viewed on a personal computer possessing a video and audio capable client by persons (col. 3 lines 5-20, lines 45-61; col. 9 lines 3-45). However, Quintana et al. do not disclose the remote station having Internet capabilities.

Brassil discloses a media program delivery system.

Brassil teaches that media software distribution packages exist that receive audio and video from a source such as a live feed, and converts the audio and video into data packets that are compliant with internet protocols and transmits the packets across the internet to end users (par. 0003).

It would have been obvious to one of ordinary skill in the art at the time of invention to use the wearable computer system of Quintana et al. to transmit signals

to a computer with the software discussed by Brassil for the benefit of creating live or delayed internet broadcasts of the signals captured by the body-worn camera system.

4. Regarding claim 2, Quintana teaches a method of fabricating an apparatus for facilitating video and audio footage, the method comprising the steps of:

Attaching a display (200) device to a user-supported computer (300) (co. 5, lines 26-27);

Attaching a video camera (100) to a user-supported computer (300) (col. 3, lines 48-50);

Attaching an audio recording means (730) to one of said computer (col. 5, line 62-66).

Attaching a communications means to said user-supported computer, said communication means capable of wireless transmission of signals representative of video and audio coverage to a server computer (col. 8, lines 57-59).

However, Quintana et al. Do not disclose the use of their invention for distributing audio and video through the internet.

Brassil teaches that media software distribution packages exist that receive audio and video from a source such as a live feed, and converts the audio and video into data packets that are compliant with internet protocols and transmits the packets across the internet to end users (par. 0003).

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It is well known that a personal computer can be easily converted into a server computer. Using the software of Brassil, one can create a server that can easily be connected to the world wide web and be further capable of converting said signals into a format which can be viewed and listened to on personal computers connected to the world wide web.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use a server as taught by Brassil to be a remote station to receive information transmitted by the invention of Quintana et al. for the benefit of being able to broadcast footage gathered by the cameras across the internet.

5. Regarding claim 3, it is a method claim corresponding to the apparatus claim 1. Therefore, claim 3 is analyzed and rejected as previously discussed with respect to claim 1.


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Elder whose telephone number is (703) 305-4693. The examiner can normally be reached on M-F 800-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER